

1 *E-Filed 9/17/13*

2
3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5 SAN FRANCISCO DIVISION

6 CHRISTOPHER JAMES CASTILLO,

No. C 12-6511 RS (PR)

7 Plaintiff,

**ORDER REVOKING IN FORMA
PAUPERIS STATUS**

8 v.

9 ELMSWOOD CORRECTIONAL
FACILITY, et al.,

10 Defendants.

11 _____ /
 12 This closed federal civil rights action is on appeal. The Court of Appeals has referred
 13 the matter to this Court for a determination whether plaintiff's *in forma pauperis* ("IFP")
 14 status should continue for this appeal. This Court determines that it should not. There are no
 15 valid grounds on which an appeal can be based. Consequently, the Court certifies that any
 16 appeal taken from the order of dismissal and judgment of this action will not be taken in good
 17 faith and is therefore frivolous. Fed. R. App. P. ("FRAP") 24(a)(3)(A); *Ellis v. United States*,
 18 356 U.S. 674, 674– 75 (1958); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir.
 19 2002). Accordingly, plaintiff's IFP status is hereby REVOKED. The Clerk shall forthwith
 20 notify plaintiff and the Court of Appeals of this order. *See* FRAP 24(a)(4). Plaintiff may file
 21 a motion for leave to proceed IFP on appeal in the Court of Appeals within thirty days after
 22 service of notice of this order. *See* FRAP 24(a)(5). Any such motion "must include a copy
 23 of the affidavit filed in the district court and the district court's statement of reasons for its
 24 action." *Id.*

25 **IT IS SO ORDERED.**

26 DATED: September 17, 2013


 27 RICHARD SEEBORG
 28 United States District Judge